

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SATISH KADAM et al.,

Plaintiff,

v.

SONNY JOHNS,

Defendant.

CASE NO. 3:23-cv-05748-DGE

ORDER ADOPTING REPORT AND
RECOMMENDATION (DKT. NO.
12)

On November 3, 2023, Magistrate Judge Theresa Fricke prepared a Report and Recommendation (Dkt. No. 12) regarding Defendant's motion to proceed *in forma pauperis* (Dkt. No. 1). Defendant filed a proposed notice of removal from Pierce County Superior Court (Dkt. No. 1-1) but the case has not yet been removed from state court. (Dkt. No. 12 at 1.) Plaintiffs also filed a Motion to Remand. (Dkt. No. 5.)

On September 20, 2023, Magistrate Judge Fricke issued an order asking Defendant to show why this matter should not remain in state court for lack of subject matter jurisdiction at


1 the time of the proposed removal. (Dkt. No. 7). Defendant filed a timely response to the Court's
2 order to show cause. (Dkt. No. 11.)

3 The Report and Recommendation reviewed Defendant's response and concluded
4 Plaintiffs presented only state law claims, and therefore, the Court lacks subject matter
5 jurisdiction over the case. (Dkt. No. 12 at 2.) Magistrate Judge Fricke recommended
6 Defendant's motion for *in forma pauperis* be denied and this case remain in Pierce County
7 Superior Court. (*Id.*) Neither party filed objections to the Report and Recommendation.

8 Having reviewed the record de novo, the Court **ADOPTS** the Report and
9 Recommendation in full. The Court **DENIES** Defendant's application to proceed *in forma*
10 *pauperis*. This Court lacks subject matter jurisdiction, and the case shall remain in Pierce
11 County Superior Court.

12 It is so ordered.

13 Dated this 4th day of December 2023.

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16 David G. Estudillo
17 United States District Judge
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